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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st July, 1975:—

I

BILL NO. XIV OF 1975.

A Bill to amend the Defence of India Act, 1971

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title and duration.

1. (*1*) This Act may be called the Defence of India (Amendment) Act, 1975.

42 of 1971.

(*2*) The amendments made to the Defence of India Act, 1971 (hereinafter referred to as the principal Act), by the provisions of this Act shall remain in force during the period of operation of the Proclamation of Emergency issued under clause (*1*) of article 352 of the Constitution on the 25th day of June, 1975, and for a period of six months thereafter, but their expiry under the operation of this sub-section shall not affect—

(*a*) the previous operation of, or anything duly done or suffered under, the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, as amended by this Act, or any contravention of any rule made thereunder or of any order made under any such rule, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said amendments had not expired.

Amendment of long title.

2. In the long title to the principal Act, after the words "civil defence", the words "and internal security," shall be inserted.

Amendment of preamble.

3. In the preamble to the principal Act,—

(*a*) in the first paragraph,—

(*i*) for the word "Proclamation", the word "Proclamations" shall be substituted;

(*ii*) after the words "by external aggression", the words "and by internal disturbance" shall be inserted;

(*b*) in the second paragraph, after the words "and civil defence", the words "and internal security" shall be inserted.

Amendment of section 1.

4. In section 1 of the principal Act,—

(*a*) in sub-section (*1*), for the words "the Defence of India", the words "the Defence and Internal Security of India" shall be substituted;

(*b*) in sub-section (*3*), for the words "shall remain in force during the period of operation of the Proclamation of Emergency", the following shall be substituted, namely:—

"shall, subject to the provisions of the Defence of India (Amendment) Act, 1975, remain in force during the period of operation of the Proclamation of Emergency issued on the 3rd day of December, 1971".

Amendment of section 2.

5. In section 2 of the principal Act, in clause (*g*), after the words, figures and letters "the 3rd day of December, 1971", the words, figures and letters "or the Proclamation issued under that clause on the 25th day of June, 1975" shall be inserted.

Amendment of section 3.

6. In section 3 of the principal Act,—

(*a*) in sub-section (*1*), after the words "civil defence,", the words "the internal security," shall be inserted;

(*b*) in sub-section (*2*),—

(*i*) in clause (*4*),—

(*A*) in the opening paragraph, for the words "or civil defence", the words ", civil defence or internal security" shall be substituted;

(B) in sub-clause (*e*), after the words "civil defence", the words ", internal security" shall be inserted;

(*ii*) in sub-clause (*a*) of clause (7), sub-clause (*j*) of clause (*10*) and clause (*32*), after the words "civil defence,", the words "the internal security," shall be inserted;

(*iii*) in clause (*9*), after the words "any scheme of defence", the words "or any scheme for the prevention of internal disturbance" shall be inserted;

(*iv*) in clauses (*21*), (*25*) and (*27*), after the words "civil defence", the words "or for internal security" shall be inserted;

(*v*) in clause (*40*), after the words "civil defence", the words "or the internal security" shall be inserted;

(*vi*) in clause (*46*), after the words "civil defence", the words ", to the internal security" shall be inserted;

(c) in sub-section (*3*), in clause (*viii*), after the words "civil defence", the words "or the internal security" shall be inserted.

Amendment of section 6.

7. In section 6 of the principal Act, in sub-clause (*a*) of clause (*1*), and in sub-clauses (*a*) and (*d*) of clause (*6*), for the words "Defence of India Act", wherever they occur, the words "Defence and Internal Security of India Act" shall be substituted.

Amendment of section 16.

8. In sub-section (*1*) of section 16 of the principal Act, after the words "civil defence,", the words "the internal security," shall be inserted.

Amendment of section 23.

9. In sub-section (*1*) of section 23 of the principal Act, after the words "civil defence,", the words "internal security," shall be inserted.

Amendment of section 38.

10. In section 38 of the principal Act, for the words "and the defence of India and civil defence", the words ", the defence of India and civil defence and the internal security" shall be substituted.

Repeal and saving.

5 of 1975.

11. (*1*) The Defence of India (Amendment) Ordinance, 1975, is hereby repealed.

(*2*) Notwithstanding such repeal, any rules made, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been made, done or taken under the principal Act, as amended by this Act, as if this Act had come into force on the 30th day of June, 1975.

STATEMENT OF OBJECTS AND REASONS

Consequent on the Proclamation of Emergency issued on the 25th June, 1975, the Defence of India (Amendment) Ordinance, 1975 (5 of 1975), was promulgated by the President on the 30th June, 1975 to amend the Defence of India Act, 1971, suitably to cover internal disturbances as well. The Bill seeks to replace the Ordinance.

NEW DELHI;

The 18th July, 1975.

K. BRAHMANANDA REDDI.

FINANCIAL MEMORANDUM

The Bill seeks to amend the Defence of India Act, 1971 (42 of 1971) suitably to cover internal disturbances also. For the implementation of that Act as amended by the Bill no additional staff will be required. Therefore, the Bill, if enacted, would not involve any recurring expenditure in addition to what is being incurred at present. There will be no non-recurring expenditure

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend section 3 of the Defence of India Act, 1971 (42 of 1971) to confer rule-making power on the Central Government to provide for matters relatable to internal disturbance also. The delegation of powers under clause 6 is normal in character.

II

BILL NO. XIII OF 1975

A Bill to confer on the President the power of the Legislature of the State of Nagaland to make laws.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Nagaland State Legislature (Delegation of Powers) Act, 1975.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 22nd day of March, 1975, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 157(E) of the said date.

Conferment on the President of the power of the State Legislature to make laws.

3. (*1*) The power of the Legislature of the State of Nagaland to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is herebv conferred on the President.

(*2*) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee cons-

tituted for the purpose, consisting of ten members of the House of the People nominated by the Speaker and five members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 22nd March, 1975, the powers of the Legislature of the State of Nagaland are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Nagaland to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI; K. BRAHMANANDA REDDI.

The 14th July, 1975.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of ten members of the House of the People and five members of the Council of States. Expenses to be incurred in connection with the meetings of Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 61,000 during the period in which the Proclamation will be in force. The Bill, if enacted, will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of Nagaland to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 22nd day of March, 1975, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (a) of the Constitution. Before exercising the aforesaid power the President is required, whenever he considers it practicable to do so, to consult a Committee of members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clauses (3) and (4) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Nagaland. Under the exceptional circumtances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated the 22nd of March, 1975 will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

B. N. BANERJEE,
Secretary-General.

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